City of Lafayette Staff Report

For:	City Council
By:	Niroop K. Srivatsa
Date Written:	April 8, 2009
Meeting Date:	April 13, 2009
Subject:	**Moraga Center Specific Plan Final Environmental Impact Report (FEIR)**

Background

In June 2008, the Town of Moraga issued the draft Environmental Impact Report (DEIR) for the Moraga Center Specific Plan (MSP). Subject property is approximately 180+ acres in size and is located at Moraga Road and Moraga Way. The preferred plan calls for 720 residential units, 90,000 square feet of retail, 50,000 square feet of office, an 85 room hotel, 150 assisted and congregate care senior housing units, and a 30,000 square foot community center. The Lafayette City Council authorized the expenditure of a maximum of $15,000 to conduct a peer review of the transportation section of the Moraga Center Specific Plan DEIR. This amount was covered by the existing Planning and Engineering budgets. The consulting firm TJKM Transportation Consultants was hired to conduct this peer review for the cities of Orinda and Lafayette. TJKM's analysis was considered by the City Council in July 2008 and a letter containing Lafayette's comments was submitted to Moraga in August 2008 (letter attached).

Final Environmental Impact Report (FEIR)

The FEIR for the Moraga Center Specific Plan has been released. Staff has briefly reviewed the document and finds the proposed mitigation measures to be inadequate and inconsistent with the Lafayette General Plan. The FEIR was discussed at the Lamorinda Project Management Committee chaired by Mayor Tatzin on Monday, April 6th. A table summarizing the transportation impacts and mitigation measures was presented at the meeting (table attached). The FEIR can be viewed at http://moraga.ca.us/production/moraga_moraga_center_specific_plan.php. The Moraga Town Council is scheduled to hear the matter on May 13th and adopt the FEIR and approve the Specific Plan on May 27th. Given the limited time available for review and comment, staff recommends hiring TJKM Transportation Consultants for an amount not to exceed $10,000 to analyze the Response to Comments in the FEIR and to suggest alternative options for mitigating traffic impacts. There are sufficient funds in the planning division budget to cover this cost. The City of Orinda is also planning to hire the same consulting firm.

Recommendation

Authorize the expenditure of a maximum of $10,000 to hire TJKM Traffic Consultants to analyze the Response to Comments in the FEIR and suggest alternative options for mitigating traffic impacts.

Attachments

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CITY COUNCIL
Mike Anderson, Mayor
Don Tatzin, Vice Mayor
Brandt Andersson, Council Member
Carl Anduri, Council Member
Carol Federighi, Council Member

August 1, 2008

Town of Moraga Planning Department
Attn: Lori Salamack, Planning Director
329 Rheem Boulevard, Suite 2
Moraga, CA 94556

Re: Comments to Draft Environmental Impact Report for the Moraga Center Specific Plan

Dear Ms. Salamack:

Thank you for providing the City of Lafayette ("Lafayette" or "the City") with the opportunity to comment on the Draft Environmental Impact Report ("EIR") for the Moraga Center Specific Plan ("the Project"). Unfortunately, after careful review of the document, the City has no choice but to convey its serious concerns regarding the EIR's methodology, assumptions, conclusions, and mitigation measures.

Summary

Lafayette is particularly alarmed by the detrimental impacts that the Project will have on area traffic and the EIR's failure to address or mitigate those impacts. Indeed, the reasonably foreseeable environmental impacts of the Project have not been meaningfully reviewed, and the EIR's analysis and conclusions are not supported by substantial evidence as required by CEQA. As such and for these reasons, Lafayette finds that the EIR fails to comply with the California Environmental Quality Act ("CEQA")[1].

Given these deficiencies, the EIR must, at a minimum, be substantially revised to include the necessary analysis to properly determine Project-related regional traffic impacts and propose enforceable mitigation measures. Once completed, the revised EIR must be recirculated for public review in order to comply with CEQA's requirements.

A primary purpose of CEQA is to "[i]nform governmental decision makers and the public about the potential, significant environmental effects of proposed activities."[2] An EIR achieves this objective by "identify[ying] possible ways to minimize the significant effects, and describe[ing] reasonable alternatives to the project" for consideration by the public and the lead agency approving the project.[3] "In assessing the impact of a proposed project on the environment, the lead agency normally examines the 'changes' in existing

[1] (Public Resources Code section 21000 et seq. and California Code of Regulations, title 14, section 15000 et seq. ["State CEQA Guidelines"]).
[2] (State CEQA Guidelines, § 15002, subd. (a)(1).)
[3] (State CEQA Guidelines, § 15121, subd. (a).)

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environmental conditions in the affected area that would occur if the proposed activity is implemented."[1] "Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects."[2]

Thus, in addition to its failure to properly analyze and mitigate the Project's environmental impacts, the EIR also fails to conform to CEQA's information requirements.

Lafayette's concerns are discussed in more detail below and in the attached letter from the City's consultants, TJKM Transportation Consultants.

PROJECT DESCRIPTION

The EIR's Project Description is not sufficiently comprehensive to fully describe the whole of the action that this Project entails.[3] Instead, the Project Description is overly general and thereby gives short shrift to many elements of the Project. Excluded, for example, are parking areas for both the commercial areas and the hundreds of dwelling units being proposed, supporting infrastructure, and any needed ancillary facilities. Of primary concern to Lafayette is the fact that the EIR requires traffic signals be installed and road improvements be made in Lafayette, as well as in Moraga and Orinda, but there is no evidence of this in the Project description. The Project description furthermore does not explain that several roads and right-of-ways are under the jurisdiction of public agencies other than the Town of Moraga, nor what approvals will be required from those other agencies. CEQA specifically requires that a project description provide and explain the approvals needed from other agencies to implement the Project.[4] Furthermore, while the density of the proposed Project violates the Town of Moraga General Plan, the need for a General Plan amendment is not disclosed in the Project Description. Because the Project Description fails to include these important aspects of the Project, it is per se insufficient[5], and this deficiency taints the entire analysis of the EIR.

TRAFFIC/CIRCULATION

Attached to this letter is a review of the Traffic/Circulation section of the EIR from TJKM, consultants specializing in transportation analysis and recognized as experts on this topic under CEQA.[6] The TJKM letter demonstrates that the assumptions underlying

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[1] (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 660; see also State CEQA Guidelines, § 15126.2, subd. (a).)

[2] (State CEQA Guidelines, § 15126.2, subd. (a).)

[3] (See *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193 ["An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR"].)

[4] (State CEQA Guidelines, § 15124.)

[5] (See *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 829.)

[6] (See State CEQA Guidelines, § 15384 subd. (b).)

parts of the transportation analysis (e.g., how trip rates were generated) are often not disclosed. This lack of disclosure violates the informational purposes of CEQA. This is particularly disconcerting because elsewhere in the EIR, when assumptions are disclosed regarding Project trip internalization rates, for example, they lack a factual basis. This results in the erroneous conclusion that the Project will not significantly impact unsignalized intersections in Lafayette. This is but one example of this bad methodology.

All of the comments in the TJKM letter should be considered to be incorporated into this letter. In total, they constitute substantial evidence demonstrating that the Project will have significant environmental impacts and that these impacts are either not analyzed or sufficiently mitigated in the EIR. For this reason, all of these concerns must be addressed and the problematic areas rectified in a revised EIR.

MITIGATION MEASURES

One of Lafayette's primary concerns with the Traffic / Circulation section of the EIR involves the complete lack of mitigation measures for some Project impacts that have been found to be environmentally significant, and the inadequacy of other mitigation measures. While the Moraga General Plan EIR prepared in 2002 recognized that build-out of the Town of Moraga would have significant unavoidable impacts, including on traffic in Lafayette, a general discussion in a programmatic-level document does not excuse the lack of discussion, analysis, and mitigation when a specific project is proposed that will have significant environmental impacts. CEQA clearly requires that an EIR propose and analyze mitigation measures designed to minimize a project's significant impacts and that all feasible mitigation measures must be adopted.[1] The EIR blatantly violates this requirement by failing to consider <u>any</u> mitigation measures for several significant impacts to traffic in Lafayette and by failing to analyze and approve adequate, enforceable mitigation measures for other impacts. This wholesale failure to identify possible ways to minimize the Project's significant effects is in violation of State CEQA Guidelines[2], and must be rectified.[3]

Even where mitigation measures are identified in the EIR, they are insufficient for several reasons. First, the EIR requires the Project proponent to contribute a "fair share" fee for the installation of traffic signals at four intersections in the City of Lafayette, but it does not specify how much must be contributed. Thus, it cannot be said that the mitigation

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[1] (Pub. Res. Code, §§ 21002, 21002.1 subd. (a), 21100 subd. (b)(3), 21151.)

[2] (§ 15121, subd. (a), among other provisions of CEQA.)

[3] (See *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41 [agencies must "deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects"].)

measure is likely to be successful in mitigating the traffic impacts.[1] The same is true for the mitigation measure to enhance transit service in the Lamorinda area.

Second, there is no analysis in the EIR of impacts due to implementation of such mitigation measures as the construction of additional traffic signals. These mitigation measures will have their own traffic, air quality, and noise impacts, among others, and each must be analyzed. When a mitigation measure is added that has the possibility of significant impacts of its own, the impacts of that measure must be analyzed.[2] The impacts of the mitigation measures here would be both short-term, construction-related impacts and long term and CEQA requires analysis of a project's temporary as well as long-term impacts.[3]

Third, the EIR does not support its conclusions that all of the Project's required mitigation measures will be sufficient. For example, the EIR states that the Project will impact the intersection of Moraga Road and Corliss Drive by reducing the Level of Service ("LOS") from LOS C to LOS E, and this will be mitigated by installation of a traffic signal. While the EIR states that the intersection will subsequently operate at LOS B, this conclusion is unsupported by data or analysis. In addition, construction of senior and student housing would only reduce vehicle trips if there are measures to ensure that these units are used by these populations, but the EIR contains no such measures. There are several examples throughout the traffic section of conclusions based on questionable assumptions or lacking analytical support.

Fourth, the mitigation measures require construction of four traffic signals in Lafayette, but two of these signals are not anticipated in any of the City's planning documents, and implementation of these mitigation measures would thus cause an inconsistency with Lafayette's General Plan. This is not disclosed anywhere in the EIR. This oversight is possibly due to the fact that the EIR uses CEQA thresholds of significance that differ from the standard thresholds set forth in the CEQA Appendix G Environmental Checklist Form, which require analysis of whether the project would "[c]onflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project . . . ." (Appx. G, threshold IX(b) [emphasis added].)

By contrast, the threshold the Town of Moraga uses only addresses whether the Project is consistent with the Town of Moraga's 2002 General Plan. (See EIR, at p. 4.A-6.) Consequently, the impacts to Lafayette's General Plan consistency have been ignored. While a jurisdiction may adopt its own CEQA thresholds of significance, they cannot be lesser standards that those in Appendix G. Because insufficient thresholds are used throughout the EIR, significant portions of the document must be revised to ensure that

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[1] (See *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1189 [to be sufficient under CEQA, fair share mitigation must specify amount or percentage to be contributed].)

[2] (State CEQA Guidelines, § 15126.4 subd. (a)(1)(D).)

[3] (See State CEQA Guidelines, § 15126.2 subd. (a).)

the correct thresholds are used in order to sufficiently evaluate the Project's environmental impacts.

Finally, some of the mitigation measures are legally insufficient insofar as they must be carried out by Lafayette, not the project developer or the Town of Moraga. When imposing measures to mitigate a project's significant environmental impacts, a public agency may exercise only those powers provided by legal authority independent of CEQA[1] and the Town of Moraga has no such power over the actions of Lafayette. Consequently, the Town of Moraga cannot impose or suggest mitigation measures in another jurisdiction without that jurisdiction's permission, particularly when those measures are inconsistent with an applicable general plan. There is no existing agreement requiring Lafayette to carry out such mitigation and therefore these measures are unenforceable. For these reasons, the insufficient mitigation renders the EIR legally deficient.

Instead, the EIR should explore a range of mitigation measures or design elements for all traffic impacts identified in the EIR and in this and other comment letters and should adopt measures for every impact that are both enforceable and able to reduce the Project's significant impacts. For example, the EIR should explore and adopt such measures as installing new and coordinating existing traffic signals to improve traffic flow, contributing specified sums to existing traffic improvement programs covering affected roadways, and providing a predetermined sum for improvements to transit services that will be used to improve transit in the most impacted areas.

If these measures are insufficient to fully mitigate traffic impacts, another possibility that should be included in the EIR is the option of installing traffic metering devices.

RESPONSIBLE AGENCY

The City of Lafayette should have been but was not identified as a responsible agency. Under CEQA, all public agencies other than the lead agency with discretionary approval over a project are responsible agencies.[2] Because Lafayette is the approving authority for a portion of the Project in the form of four traffic signals that the EIR states are required to be constructed for the Project, it has the requisite discretionary approval and must be named a responsible agency.

ALTERNATIVES

CEQA requires that a draft EIR contain an analysis of a reasonable range of alternatives to a proposed project that will meet most of the project's goals while avoiding or

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[1] (Pub. Res. Code, § 21004)

[2] (State CEQA Guidelines, § 15381.)

substantially lessening the project's significant environmental impacts.[1] The Moraga Specific Plan EIR fails to satisfy this fundamental requirement. The alternatives are all very similar to the proposed Project. Little attempt was made to explore any option or proposal other than the Project. Most problematically, there was no attempt to explore alternatives that lessen the Project impacts as required by CEQA. An alternative with less than significant traffic impacts outside Moraga's jurisdiction should be explored -- a reduced Project size, for example. Alternatives involving housing only, commercial only, or a different location for parts or all of the Project could also be explored to determine if these options could improve the significant environmental impacts.

Furthermore, Alternative 3 was found to be the environmentally superior alternative (other than the No Project Alternative), with reduced impacts on ground disturbance, population growth, and traffic generation[2] In addition, page 2-14 shows that Alternatives 1, 2 and 3 would all better control maximum peak hour traffic volumes, but no reasons are given for rejecting any of these alternatives. Merely stating, for example, that Alternative 2 "may not be as economically feasible as under the Proposed Project" is not sufficient.[3]

MISCELLANEOUS ENVIRONMENTAL ISSUES

The insufficiency of the Project Description, Alternatives, and Traffic/Circulation sections impact the entire EIR and render several other sections deficient as well. For example, the Air Quality section does not appropriately account for the construction and implementation phases of the complete Project, and the Noise section is deficient for similar reasons. The increased traffic problems and delays caused by the Project will also further strain public services. The EIR's conclusion that the Project will have no growth-inducing impacts because it adds no infrastructure is unpersuasive since it is adding several hundred housing units, and therefore directly induces population growth in the area pursuant to Appendix G threshold XII(a). In addition, the EIR fails to include sufficient feasible mitigation measures for global warming/greenhouse gas impacts[4] All of these issues must be addressed and remedied.

CONCLUSION

Lafayette has grave concerns about this Project and its many unmitigated significant environmental impacts, particularly those that impact Lafayette. CEQA does not authorize an agency to proceed with a project that will have significant, unmitigated effects on the environment unless the measures necessary to mitigate those effects are

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[1] (State CEQA Guidelines, § 15126.6.)

[2] (see EIR at p. 5-22).

[3] (See *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1034.)

[4] (see, e.g., http://www.arb.ca.gov/cc/scopingplan/document/draftscopingplan.pdf.)

truly infeasible.[1] Therefore, all of the significant impacts for which no mitigation was adopted in the Project must be re-evaluated. Furthermore, any mitigation measures in the EIR that are called out by this letter, the TJKM letter, and letters from other parties and found to be inadequate, incomplete, or illusory must also be re-evaluated.

Lafayette urges the Town of Moraga to consider and address all of the Project's potential environmental impacts discussed above, as well as any others raised during this comment period, and to correct the EIR accordingly.

In light of the many problems, the Town of Moraga may wish to consider whether it should approve this Project at this level of intensity knowing that the Project will have a detrimental and immitigable impact on traffic in Lamorinda.

On behalf of the City of Lafayette, I would again like to thank you for this opportunity to comment on the Moraga Center Specific Plan Project and its EIR. If you have any questions, please do not hesitate to call me or my staff to discuss ways in which the cities can work together in the planning process. Thank you for your attention to these comments. The City of Lafayette looks forward to reviewing your revised EIR.

Sincerely,

Mike Anderson
Mayor, City of Lafayette

Cc: Moraga Town Council
Orinda City Council

[1] (*City of Marina v. Board of Trustees of the California State University* (2006) 39 Cal.4th 341, 368-369; see also Pub. Res. Code, § 21081, subd. (a) and State CEQA Guidelines, § 15091, subd. (a).)

TJKM

Vision That Moves Your Community

Transportation Consultants

July 31, 2008

Ms. Niroop Srivatsa
City of Lafayette
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Lafayette, CA 94549
Via E-mail Only: nsrivatsa@ci.lafayette.ca.us

Subject: Peer Review of "Moraga Center Specific Plan Draft Environmental Impact Report"

Dear Niroop:

TJKM is pleased to provide you with this peer review of the Transportation section of the Moraga Center Specific Plan (MSP) Draft Environmental Impact Report (DEIR) dated June 16, 2008, prepared by Fehr and Peers. In general, the report is a comprehensive traffic analysis of the proposed project in accordance with the guidelines established by the Contra Costa County Transportation Authority (CCTA), Town of Moraga, City of Lafayette and the City of Orinda. However, TJKM in many cases finds the DEIR lacking in its assumptions, traffic analysis, and recommended mitigation measures on the streets and intersections in Lafayette and Orinda. The peer review findings are meant to be part of the study responses by the Cities of Orinda and Lafayette during the DEIR public review comment period. The issues raised in this letter should be addressed and rectified prior to the final issuance of the EIR.

Listed below are the specific comments on the report:

Trip Generation

- MSP trip generation rates are based on a June 2007 Fehr and Peers document, *Effects of Planned Development at Moraga Town Center on Community-Wide Travel Patterns*. The rates in this document are based on a wide variety of sources, including the Contra Costa Transportation Authority (CCTA) model, the Bay Area Travel Survey (BATS) and the 2000 Census. However, the text and tables do not clearly outline the steps performed to generate the trip rates or how each data source was used specifically.
- Retail trip generation for the proposed MSP was based on Fehr and Peers' analysis for the Town of Moraga General Plan contained in the above June 2007 study. The trip rates in this study were based on the existing Moraga Shopping Center, which at the time of the analysis was not fully occupied. Using the same rates for future General Plan buildout conditions is problematic, given that residential unit totals in Moraga are expected to increase from existing conditions to buildout. When considering this issue, it would be reasonable to expect that retail rates under buildout would be higher than those used for buildout in the Specific Plan analysis.
- TJKM used the seventh edition of *Trip Generation* from the Institute of Transportation Engineers (ITE) to estimate expected trip generation for the proposed MSP. ITE has compiled the results of trip generation research from over 4,250 individual land use studies throughout the United States and Canada. The proposed project's estimated trips based on ITE rates are shown in Table 1. It is expected that the proposed project will generate approximately 495 trips during the a.m. peak hour and 824 trips during the p.m. peak hour. As shown in Table 1, based on standard ITE trip generation rates for the

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proposed MSP land uses, p.m. peak hour trip generation is significantly higher than the trip generation estimated in Table 12B of the June 2007 study used in the DEIR analysis.

Table I: Project Trip Generation

Proposed Project	Land Use (ITE Code)	Size	Daily Rate	Daily Trips	A.M.					P.M.				
					Trip Rate	In: Out Ratio	In	Out	Total	Trip Rate	In: Out Ratio	In	Out	Total
Single Family	Single-Family Detached (210)	30 du	9.57	287	0.75	25:75	6	17	23	1.01	63:37	19	11	30
Multi-Family Residences	Residential Condo/ Townhouse (230)	300 du	5.86	1758	0.44	17:83	22	110	132	0.52	67:33	105	51	156
Workforce Housing	Residential Condo/ Townhouse (230)	50 du	5.86	293	0.44	17:83	4	18	22	0.52	67:33	17	9	26
St. Mary's Residences	Apartment (220)	50 du	T=6.01 (x)+ 150.46	451		20:80	6	23	28		65:35	29	16	45
Active Senior Residences	Senior Adult Housing-Detached (251)	300 du	3.71	1113	0.20	38:62	23	37	60	0.26	61:39	48	30	78
Assisted Residences	Assisted Living (254)	75 beds	2.66	200	0.14	65:35	7	4	11	0.22	44:56	7	9	17
Congregate Residences	Congregate Care Facility (253)	75 du	2.02	152	0.06	59:41	3	2	5	0.17	55:45	7	6	13
Retail	Shopping Center (820)	90.000 ksf	42.94	3865	1.03	61:39	57	36	93	3.75	48:52	162	176	338
Office	General Office Building (710)	50.000 ksf	11.01	551	1.55	88:12	68	9	78	1.49	17:83	13	62	75
Hotel	Hotel (310)	80 rooms	8.17	654	0.56	61:39	27	17	45	0.59	53:47	25	22	47
Total							**222**	**273**	**495**			**432**	**392**	**824**

Source: *Trip Generation* (7th Edition), Institute of Transportation Engineers

Internalization Assumptions

- The DEIR traffic analysis assumes project trip internalization rates that are too high. The Existing Conditions assumption that 38 percent of trips stay within the Town of Moraga is too high considering that 86 percent of service / office commuters travel outside the town and 76 percent of retail purchases made by Moraga residents are located outside Moraga. Similarly, the 60 percent project trip internalization rate under General Plan buildout is too high based on the commute and retail purchase assumptions.
- The daily internalization rates in the DEIR analysis are generally much higher than peak hour internalization rates, yet they were applied to both a.m. and p.m. peak hour project trip generation in the traffic study. Peak hour internalization rates should be calculated for both a.m. and p.m. peak hours and applied to the traffic study accordingly.
- TJKM executed the CCTA model for 2000 and 2030 to verify internalization rates within the Town of Moraga. TJKM found that in 2000, a.m. and p.m. peak hour rates are 28 and 35 percent, respectively. Internalization rates are expected to be very similar in 2030, with a.m. and p.m. peak hour rates of 26 and 35 percent, respectively. However, as

mentioned above the Fehr and Peers cumulative assumptions assume up to 60 percent internalization in future conditions.

- To further verify internalization and trip rates assumed in the MSP traffic study, TJKM examined the existing and future land use assumptions in the CCTA model for the Specific Plan area. Table 2 illustrates the growth assumptions in the CCTA model for the traffic analysis zones (TAZs) that comprise the Specific Plan area. Within this area, the CCTA model estimates an increase of 300 residential units and increased commercial development with 235 additional employees. It should be noted that even though the model assumes increased development in the Specific Plan area, there is virtually no change in the internalization rates between 2000 and 2030.

Table 2: CCTA Land Use Information for the Specific Plan Area

Year	Residential		Commercial					
	Single Family	Multi Family	Retail	Service	Other	Agriculture	Manufacturing	Trade
	(du)	(du)	(emp)	(emp)	(emp)	(emp)	(emp)	(emp)
2000	24	1	258	231	138	18	23	7
2030	312	13	357	321	175	10	43	4
Increase	288	12	99	90	37	-8	20	-3

Notes: du – dwelling units; emp - Employee

Traffic Analysis

- One of the key data requirements for any level of service (LOS) analysis is the signal timing information. The DEIR should specify whether this information was gathered from the City, collected in the field, or optimized using Synchro. The timing information should be included along with other data requirements mentioned in this section.
- The delay index for all study corridors is calculated for the entire length, rather than at any specific corridor locations. This method does not assist in identifying the worst congestion points within each corridor.
- LOS analysis was not conducted for the afternoon school peak period at intersections that are adjacent to Lamorinda schools.
- The intersection of Glorietta Boulevard/Rheem Boulevard has been incorrectly coded as a One-Way Stop controlled intersection instead of an All-Way Stop controlled intersection. LOS analysis of this intersection should be updated accordingly.
- Level of service and delay shown in Table 4.F-12 of the DEIR does not match the HCM results (Synchro output) submitted to the Town of Moraga for the intersection of Bollinger Canyon Road and St. Mary's Road.
- Truck traffic routes and impacts during construction of Moraga Center are not identified for any of the project alternatives. Traffic indices (TIs) and other factors relative to construction truck traffic are not analyzed for the following primary gateways in Lafayette to/from State Route (SR) 24:
  - Acalanes Road
  - Moraga Road
  - St. Mary's Road
  - Pleasant Hill Road / Olympic Boulevard / Reliez Station Road / Glenside Drive

- Expected commercial truck routes via the primary gateways to/from SR 24 serving Moraga Center after construction and expected impacts are not identified for any of the project alternatives. Traffic indices (TIs) that would provide information on expected truck loading on the gateway roadways are not analyzed.
- The DEIR traffic analysis output shows that for each study intersection, an average peak hour factor (PHF) was applied to the overall intersection, rather than different PHFs being applied to individual movements based on peaking characteristics. A PHF for an individual vehicular approach or movement should be applied when that approach or movement has sharp peaking characteristics or low volume in comparison to the intersection as a whole. This is especially relevant for all one-way stop and two-way stop controlled intersections. It should be noted that the neighboring cities of Orinda and Lafayette have numerous unsignalized intersections on arterial streets that do not meet traffic signal warrants. If a PHF different from the overall average was used for the side street movements at these intersections, higher side street delays may result. This could in turn trigger a significant impact at these intersections or possibly cause them to meet the delay warrant for signal installation.

Project Impacts and Mitigation Measures

- DEIR analysis results for the intersection of Moraga Way / Ivy Drive show a significant impact under Existing Plus Project Conditions. However, this is not identified in the DEIR.
- Increased transit service as a mitigation measure does not sufficiently reduce trips to mitigate the operating conditions at all impacted signalized intersections. This is because the analysis assumes fewer than 10 transit trips (given expected increases in area transit service), whereas the project itself adds much higher vehicle trips at the impacted intersections.
- Similarly, limited use of the Community Center as a mitigation would result in a minimal reduction of trips at the impacted intersections. This is because expected trip generation for the Community Center is high only during the p.m. peak period, whereas these intersections are impacted during the a.m. peak period.
- The study does not consider other mitigation measures that are consistent with the Lamorinda Action Plan, such as:
  - Corridor-wide Traffic Signal Coordination
  - Fair share contribution to the implementation actions identified under the Pleasant Hill Road Action Plan
  - Existing improvement plans, such as capital improvement program (CIP) lists in the City of Lafayette. These could identify other potential improvements for the intersections being considered for mitigation in the study.
- The entire length of the Glenside Drive, Reliez Station Road and Olympic Boulevard corridors should be evaluated as part of the mitigation measures. For instance, adding signals at N. Glenside Drive and Burton Drive, S. Glenside Drive and Reliez Station Road, and St Mary's Road and S. Glenside Drive under cumulative conditions would not be effective, since the All-Way Stop would remain at the intersection of Glenside Drive and Los Palos Drive and no upgrades are proposed at the intersection of Glenside Drive and Michael Lane.
- The traffic analysis has not considered or commented on the impact of the project on the flashing signals at the intersection of Reliez Station Road and Diane Court and the trail crossing on S. Glenside Drive, west of Burton Drive.
- Qualitative discussion or comments on the impact of the project on the following three Lafayette intersections should be included as part of the DEIR:

1. Moraga Road and Old Jonas Hill Road
2. Moraga Road and Silver Springs Road
3. Moraga Road and Hamlin Road

- The DEIR finds that the Plan will have a significant impact on downtown Lafayette intersections (Page 4.F-52). One of the proposed mitigations is to enhance transit service in Lamorinda area south of Highway 24. While enhanced transit service is a commendable goal, the DEIR fails to provide an estimate of fair share contribution of the Plan to help in paying for the enhancement of the transit service particularly between Moraga and Highway 24.
- The DEIR finds that the Plan will have a significant impact on unsignalized Lafayette intersections (Page 4.F-55). To mitigate these impacts, the DEIR recommends the installation of traffic signals at the following intersections in Lafayette:
    a. Deer Hill Road/Oak Hill Road
    b. Glenside Drive/Reliez Station Road
    c. Glenside Drive/Burton Drive
    d. Pleasant Hill Road/Olympic Boulevard

  The Lafayette General Plan calls for the signalization of only Deer Hill Road/Oak Hill Road and Pleasant Hill Road/Olympic Boulevard intersections. The other two intersections are located in residential Burton Valley area and signalizing those intersections are not compatible with the characteristics of the area and more importantly not consistent with goals and policies of the Lafayette General Plan.
- The DEIR finds that the Plan will create adverse vehicular impacts on Pleasant Hill Road, a Route of Regional Significance (Page 4.F-66). However, no mitigation is proposed. Mitigations measure should be proposed that are consistent with the Pleasant Hill Road Action Plan, including corridor-wide signal coordination.
- If the mitigation measures identified in the DEIR or in this letter do not mitigate impacts to less than significant levels, then the DEIR should additionally evaluate innovative strategies like traffic metering, traffic responsive signal system or adaptive traffic signal systems. The effects of these mitigation measures should take into account their effects on Lafayette and Orinda.

Other Issues

- In the City of Lafayette's DEIR scoping comments sent to the Town of Moraga on September 4, 2007, several Lafayette intersections were recommended for analysis. However, three (3) Lafayette intersections located along expected routes to Moraga Center were not included in the traffic analysis:
    1. St. Mary's Road at Rohrer Drive
    2. Reliez Station Road at Olympic Boulevard
    3. Reliez Station Road at Glenside Drive South (at Michael Lane intersection)
- The study does not include a collision analysis, which would help evaluate potential project safety impacts by identifying existing collision patterns and qualitatively discussing the impact of the project on collision rates.
- The traffic impact analysis does not include the construction of the 4th bore to the Caldecott Tunnel. This would affect the traffic analysis for the Cumulative Conditions.
- Under Mitigation 4F-5 (page 4.F-58), the DEIR states that "... the Project applicant shall fully fund and construct the mitigation measure and shall be reimbursed for the portion

beyond their fair share contribution from future available funding sources." The mitigation measure includes the installation of four signals in the City of Lafayette. Since these signal installations would be subject to the City of Lafayette's approval for inclusion in the Lamorinda fee program, it may be better to state that the Project Applicant shall be required to set aside fair share funds for City of Lafayette use as corridor improvements are approved and implemented.

The inadequacies listed in this letter should be addressed and rectified prior to finalizing the EIR. In addition, all mitigations proposed in Lafayette and Orinda should be checked for consistency with their respective General Plans.

TJKM appreciates the opportunity to provide preliminary review findings on the Moraga Specific Plan DEIR traffic analysis. Please call (925) 463-0611 if you have any questions.

Thank you.

Joy Bhattacharya, P.E., P.T.O.E.
Senior Associate

Andrew Kluter, P.E.
Senior Engineer

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Public Notice

You are invited to attend
a Special Joint Meeting of the Town of Moraga
Planning Commission and Design Review Board regarding the

Moraga Center Specific Plan (MCSP)
and
Town of Moraga Housing Element Update

Thursday, March 26th, 2009 at 7:30 PM
Joaquin Moraga Auditorium
1010 Camino Pablo, Moraga

This special joint meeting is an opportunity for residents and other interested persons to learn about the status of the Moraga Center Specific Plan and the Town of Moraga Housing Element update.

The following additional dates have also been **tentatively** scheduled in 2009:

3/26/09 Release of the final Moraga Center Specific Plan Environmental Impact Report (EIR)
4/6/09 Planning Commission and Park and Recreation Commission joint meeting to review final EIR and specific plan recreation facilities and traffic *(continue to 4/7/09, if necessary)*
4/13/09 Design Review Board meeting regarding MSCP Design Guidelines
4/20/09 Planning Commission meeting to recommend approval of EIR and recommended level of development to satisfy Housing Element requirements *(continue to 5/4/09, if necessary)*
4/27/09 Design Review Board meeting to recommend approval of MCSP Design Guidelines
5/4/09 Planning Commission meeting to recommend approval of EIR and level of development to satisfy Housing Element requirements and/or review Housing Element workbook
5/11/09 Possible additional Planning Commission meeting to review Housing Element workbook
5/13/09 Town Council meeting to consider Planning Commission, Design Review Board and Park and Recreation Commission recommendations regarding MCSP
5/27/09 Town Council to consider adoption of final EIR and approval of MCSP and preliminary draft Housing Element
6/24/09 Town Council to review revised draft Housing Element and authorize submittal to HCD

For additional information please refer to the Town website at www.moraga.ca.us or contact the Planning Department at (925) 888-7040 or email planning@moraga.ca.us

Summary of Transportation Impacts and Mitigation Measures

Potential Effects	Level of Significance after Mitigation	Required Mitigation Measures
4.F-1. Adverse vehicular impacts on Routes of Regional Significance?		
Westbound SR 24 (AM Peak Hour) Standard – >1 new vehicle (AM Peak Hour) Project – 30 new vehicles Alt. 2 – 38 new vehicles Alt. 3 – 16 new vehicles Alt. 4 – 22 new vehicles	● Project (720 units) ● Alt. 2 (339 units) ● Alt. 3 (400 units) ● Alt. 4 (560 units)	There is no mitigation measure available to reduce the AM impacts to westbound SR 24 traffic to a less than significant level. Therefore, this impact would be significant and unavoidable. This impact was anticipated in the Town of Moraga 2002 General Plan EIR, and the Town adopted a statement of overriding considerations in Resolution 21-2002. The Project and Alternatives 3 and 4 would generate less impact to SR 24 than Alternative 2 (GP Buildout). - Project and All Action Alternatives
4.F-2. Adverse vehicular impacts for signalized intersections on streets in the Town of Moraga?		
None.	○ Project (720 units) ○ Alt. 2 (339 units) ○ Alt. 3 (400 units) ○ Alt. 4 (560 units)	None Required. - Project and All Action Alternatives
4.F-3. Adverse vehicular impacts for unsignalized intersections in the Town of Moraga?		
Moraga Rd/Corliss Dr Standard – LOS C, 25 seconds delay Existing – LOS C, 23 seconds delay (AM) Project – LOS E, 38 seconds delay (AM) Alt. 2 – LOS D, 31 seconds delay (AM) Alt. 3 – LOS D, 33 seconds delay (AM) Alt. 4 – LOS E, 36 seconds delay (AM)	⊙ Project (720 units) ⊙ Alt. 2 (339 units) ⊙ Alt. 3 (400 units) ⊙ Alt. 4 (560 units)	Measure 4.F-3: Install a traffic signal with the current lane configuration at the Corliss Drive/Moraga Way intersection - Project and All Action Alternatives

Summary of Transportation Impacts and Mitigation Measures

Potential Effects	Level of Significance after Mitigation	Required Mitigation Measures
4.F-4. Adverse vehicular impacts for signalized intersections in Lafayette?		
Moraga Rd/Moraga Blvd Standard – LOS D, 55 seconds delay Existing – LOS E (AM) Project – LOS E, 36 new trips (AM) Alt. 2 – LOS E, 25 new trips (AM) Alt. 3 – LOS E, 23 new trips (AM) Alt. 4 – LOS E, 31 new trips (AM) **Moraga Rd/Brook St** Standard – LOS D, 55 seconds delay Existing – LOS E (AM) Project – LOS E, 36 new trips (AM) Alt. 2 – LOS E, 25 new trips (AM) Alt. 3 – LOS E, 23 new trips (AM) Alt. 4 – LOS E, 31 new trips (AM)	● Project (720 units) ● Alt. 2 (339 units) ● Alt. 3 (400 units) ● Alt. 4 (560 units)	There is no mitigation measure available to reduce the AM impacts to Lafayette signalized intersections to a less than significant level. Mitigation measures identified in the past to reduce these impacts to a less than significant level have been rejected by the community. Therefore, this impact would be significant and unavoidable. This impact was anticipated in the Town of Moraga 2002 General Plan EIR, and the Town adopted a statement of overriding considerations in Resolution 21-2002. However, with the mitigation measures identified below, the Project and Alternatives 3 and 4 would generate less impact to Lafayette signalized intersections than Alternative 2 (GP Buildout). Should Alternative 2 be selected, each of these measures could also be used to reduce traffic associated with General Plan buildout. Measure 4.F-4. Enhance Transit Service in the Lamorinda Area South of SR 24 and Reduce the Community Center Program - Project – Reduce headways for CCTA Bus Routes 106/206 **AND** Reduce size of Community Center to 16,000 sf (reducing the size of community center would reduce amount of enhanced transit service required) - Alternative 3 - Reduce headways for CCTA Bus Routes 106/206 **OR** Reduce size of Community Center to 16,000 sf **AND** provide park & ride lot at Community Center. - Alternative 4 - Reduce headways for CCTA Bus Routes 106/206 **OR** Reduce size of Community Center to 16,000 sf **AND** provide park & ride lot at Community Center and TDM appropriate for proposed commercial and office uses. Measure 4.F-4. Other Trip Reduction Measures Added in the Final EIR

Summary of Transportation Impacts and Mitigation Measures		
Potential Effects	**Level of Significance after Mitigation**	**Required Mitigation Measures**
		- Project - Provide park & ride lot at Community Center, TDM appropriate for proposed commercial and office uses, and expanded shuttle/bus service and facilities within the development to encourage shuttle use. - Alternative 3 - Provide park & ride lot at Community Center. - Alternative 4 - Provide park & ride lot at Community Center and TDM appropriate for proposed commercial and office uses.
4.F-5. Adverse vehicular impacts for unsignalized intersections in Lafayette?		
Deer Hill Dr/Oak Hill Rd Standard – LOS D, 35 seconds delay Existing – LOS E, 38 seconds delay (AM) and 41 seconds delay (PM) Project and All Action Alternatives – LOS E, 38 seconds delay (AM) and 41 seconds delay (PM) **Glenside Dr/Relieze Station Rd** Standard – LOS D, 35 seconds delay Existing – LOS F, 91 (AM) seconds delay and LOS E, 49 (PM) seconds delay Project – LOS F, 103 (AM) and 58 (PM) seconds delay Alt. 2 – LOS F, 102 (AM) and 57 (PM) seconds delay Alt. 3 – LOS F, 97 (AM) and 55 (PM) seconds delay Alt. 4 – LOS F, 100 (AM) and 57 (PM) seconds delay **Glenside Dr/Burton Dr** Standard – LOS D, 35 seconds delay Existing – LOS D, 34 seconds delay (AM) Project – LOS E, 43 seconds delay (AM)	⊙ Project (720 units) ⊙ Alt. 2 (339 units) ⊙ Alt. 3 (400 units) ⊙ Alt. 4 (560 units)	Measure 4.F-5: Install traffic signals at the following Lafayette intersections: Deer Hill Drive/Oak Hill Road (with the current lane configuration), Glenside Drive/Reliez Station Road (widen Glenside Drive for a left turn pocket), Glenside Drive/Burton Drive (widen Glenside Drive for a left turn pocket), and Pleasant Hill Road/Olympic Boulevard (with the current lane configuration), and Reliez Station Road/Olympic Boulevard (with current lane configuation) - Project and All Action Alternatives Measure 4.F-5: Install traffic signals at the following Lafayette intersection: Glenside Drive/Los Palos Drive (with current lane configuration) - Project and Alternatives 2 and 4

Summary of Transportation Impacts and Mitigation Measures		
Potential Effects	**Level of Significance after Mitigation**	**Required Mitigation Measures**
Alt. 2 – LOS E, 42 seconds delay (AM)		
Alt. 3 – LOS E, 39 seconds delay (AM)		
Alt. 4 – LOS E, 41 seconds delay (AM)		
Pleasant Hill Rd/Olympic Blvd		
Standard – LOS D, 35 seconds delay		
Existing – LOS F, 55 seconds delay (AM) and LOS E, 48 seconds delay (PM)		
Project – LOS F, 60 (AM) and 52 (PM) seconds delay		
Alt. 2 – LOS F, 62 (AM) and 49 (PM) seconds delay		
Alt. 3 – LOS F, 58 (AM) and 50 (PM) seconds delay		
Alt. 4 – LOS F, 59 (AM) and 51 (PM) seconds delay		
Glenside Dr/Los Palos Dr		
Standard – LOS D, 35 seconds delay		
Existing – LOS D, 31 seconds delay (AM)		
Project – LOS E, 37 seconds delay (AM)		
Alt. 2 – LOS E, 37 seconds delay (AM)		
Alt. 3 – LOS D, 34 seconds delay (AM)		
Alt. 4 – LOS E, 35 seconds delay (AM)		
Reliez Station Rd/Olympic Blvd		
Standard – LOS D, 35 seconds delay		
Existing – LOS F, 114 seconds delay (AM) and LOS E, 45 seconds delay (PM)		
Project – LOS F, 126 (AM) and 55 (PM) seconds delay		
Alt. 2 – LOS F, 126 (AM) and 54 (PM) seconds delay		
Alt. 3 – LOS F, 121 (AM) and 52 (PM) seconds delay		

Summary of Transportation Impacts and Mitigation Measures

Potential Effects	Level of Significance after Mitigation	Required Mitigation Measures
Alt. 4 – LOS F, 124 (AM) and 56 (PM) seconds delay		
4.F-6. Adverse vehicular impacts for signalized intersections in Orinda?		
Camino Pablo/Brookwood Rd Standard – LOS D, 45 seconds delay Existing – LOS F, 98 seconds delay (PM) Project – LOS F, 104 seconds delay (PM) Alt. 2 – LOS F, 103 seconds delay (PM) Alt. 3 – LOS F, 102 seconds delay (PM) Alt. 4 – LOS F, 103 seconds delay (PM) **Glorietta Blvd/Moraga Wy** Standard – LOS D, 45 seconds delay Existing – LOS F, 80 seconds delay (AM) Project – LOS F, 87 seconds delay (AM) Alt. 2 – LOS F, 89 seconds delay (AM) Alt. 3 – LOS F, 83 seconds delay (AM) Alt. 4 – LOS F, 85 seconds delay (AM) **Ivy Dr/Moraga Wy** Standard – LOS D, 45 seconds delay Existing – LOS D, 43 seconds delay (AM) Project – LOS D, 48 seconds delay (AM) Alt. 2 – LOS D, 48 seconds delay (AM) Alt. 3 – LOS D, 45 seconds delay (AM) Alt. 4 – LOS D, 47 seconds delay (AM)	● Project (720 units) ● Alt. 2 (339 units) ● Alt. 3 (400 units) ● Alt. 4 (560 units)	There is no mitigation measure available to reduce the AM impacts to Orinda signalized intersections to a less than significant level. Mitigation measures identified in the past to reduce these impacts to a less than significant level have been rejected by the community. Therefore, this impact would be significant and unavoidable. This impact was anticipated in the Town of Moraga 2002 General Plan EIR, and the Town adopted a statement of overriding considerations in Resolution 21-2002. However, with the mitigation measures identified below, the Project and Alternatives 3 and 4 would generate less impact to Orinda signalized intersections than Alternative 2 (GP Buildout). Should Alternative 2 be selected, each of these measures could also be used to reduce traffic associated with General Plan buildout. Measure 4.F-4. Enhance Transit Service in the Lamorinda Area South of SR 24 and Reduce the Community Center Program - Project – Reduce headways for CCTA Bus Routes 106/206 **AND** Reduce size of Community Center to 16,000 sf (reducing the size of community center would reduce amount of enhanced transit service required) - Alternative 3 - Reduce headways for CCTA Bus Routes 106/206 **OR** Reduce size of Community Center to 16,000 sf **AND** provide park & ride lot at Community Center. - Alternative 4 - Reduce headways for CCTA Bus Routes 106/206 **OR** Reduce size of Community Center to 16,000 sf **AND** provide park & ride lot at Community Center and TDM appropriate for proposed commercial and office uses. Measure 4.F-4. Other Trip Reduction Measures Added in the Final EIR - Project - Provide park & ride lot at Community Center,

Summary of Transportation Impacts and Mitigation Measures		
Potential Effects	**Level of Significance after Mitigation**	**Required Mitigation Measures**
		TDM appropriate for proposed commercial and office uses, and expanded shuttle/bus service and facilities within the development to encourage shuttle use. - Alternative 3 - Provide park & ride lot at Community Center. - Alternative 4 - Provide park & ride lot at Community Center and TDM appropriate for proposed commercial and office uses.
4.F-7. Adverse vehicular impacts for unsignalized intersections in Orinda		
None.	○ Project (720 units) ○ Alt. 2 (339 units) ○ Alt. 3 (400 units) ○ Alt. 4 (560 units)	None Required. - Project and All Action Alternatives
4.F-8. Adverse affect to public transit service levels or accessibility to public transit service?		
None.	○ Project (720 units) ○ Alt. 2 (339 units) ○ Alt. 3 (400 units) ○ Alt. 4 (560 units)	None Required. - Project and All Action Alternatives
4.F-9. Hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment on roads)?		
Design of internal roadways not provided in MCSP.	⊙ Project (720 units) ⊙ Alt. 2 (339 units) ⊙ Alt. 3 (400 units) ⊙ Alt. 4 (560 units)	4.F-9: Ensure Adequate Internal Circulation within the MCSP - Project and All Action Alternatives
4.F-10. Adverse impacts on the use of bicycle and/or pedestrian travel ways?		
Design of pedestrian and bike trail connections not provided in MCSP.	⊙ Project (720 units) ⊙ Alt. 2 (339 units)	4.F-10a: Reduce Potential Vehicular Conflicts with Bicycles and Pedestrian Travel Ways

Summary of Transportation Impacts and Mitigation Measures		
Potential Effects	**Level of Significance after Mitigation**	**Required Mitigation Measures**
	⊙ Alt. 3 (400 units) ⊙ Alt. 4 (560 units)	- Project and All Action Alternatives 4.F-10b: Provide an enhanced pedestrian crossing on Moraga Road between the community center Site "B" and the Moraga Commons - Project and Alternatives 3 and 4
4.F-11. Adverse impacts to existing parking or access to existing parking?		
Design of parking not provided in MCSP.	⊙ Project (720 units) ⊙ Alt. 2 (339 units) ⊙ Alt. 3 (400 units) ⊙ Alt. 4 (560 units)	4.F-11: Provide Adequate Parking Supplies - Project and All Action Alternatives